

## Chapter 1

# ***Introduction, Purpose Of, and Need For The Project***

## **1.1 INTRODUCTION**

The Department of the Interior (Interior), through the Bureau of Reclamation (Reclamation), and in cooperation with the United States Environmental Protection Agency (EPA), and the Ute Mountain Ute and Southern Ute Indian Tribes (Colorado Ute Tribes), has prepared this Draft Supplemental Environmental Impact Statement (DSEIS). This DSEIS is prepared under the provisions of Public Law (P.L.) 93-638, the Indian Self Determination and Education Assistance Act. It evaluates the potential impacts of implementing the Colorado Ute Indian Water Rights Settlement Act of 1988 (P.L. 100-585) (Settlement Act). The Settlement Act (see Attachment A), through construction of the Animas-La Plata Project (ALP Project), intended to provide the Colorado Ute Tribes an assured long-term water supply in order to satisfy the Colorado Ute Tribes senior water rights claims. Reclamation is now proposing to develop a modified ALP Project in southwestern Colorado and northwestern New Mexico for the purpose of finally implementing the Settlement Act. **Map 1-1** shows the ALP Project area.

The ALP Project has been the subject of public interest and environmental review since it was authorized by the Colorado River Basin Project Act of 1968 (P.L. 90-537) and later incorporated into the Settlement Act. The ALP Project is a participating project under the Colorado River Storage Project Act and utilizes part of the streamflows allocated to Colorado and New Mexico by the Colorado River Compact of 1922 (P.L. 84-485) and the Upper Colorado River Basin Compact of 1948. These two compacts allocate water for development in the Colorado River Basin.

Reclamation, in compliance with the National Environmental Policy Act (NEPA), prepared a Final Environmental Statement (INT FES 80-18) for the ALP Project in 1980 (1980 FES), a Draft Supplement to the 1980 Final Environmental Statement (DFS FES) in 1992, and a Final Supplement to the Final Environmental Statement in 1996 (1996 FSFES). The proposed ALP Project described in the 1996 FSFES continued to generate controversy. As a result, then Colorado Governor Roy Romer and Lt. Governor Gail Schoettler convened both supporters and opponents of the ALP Project in an attempt to address unresolved issues and gain consensus on an alternative to the original project (Romer-Schoettler process), which would satisfy the Indian water rights confirmed by the Settlement Act.

As a result of the Romer-Schoettler process, a new structural and non-structural alternative evolved in August 1997. Under the structural alternative, called the Animas-La Plata Reconciliation Plan, the initial stage of the project as described in the 1996 FSFES would be constructed, including a proposed reservoir at Ridges Basin (near the City of Durango) that would store water from the Animas River. The reservoir was sized to provide amounts of water in excess of the depletions currently allowed under the existing Biological Opinion issued by the U.S. Fish and Wildlife Service (Service).<sup>1</sup> The non-structural alternative, referred to as the Animas River Citizens Coalition Conceptual Alternative, focused on

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<sup>1</sup>The Service prepared a Biological Opinion on the project in 1996. The Service will prepare an updated opinion that will be included in the Final Supplemental Environmental Impact Statement on the proposed plan discussed in this DSEIS. A Biological Assessment has been prepared and submitted to the Service for use in preparing this Biological Opinion. Information in this DSEIS is based on the Biological Assessment, informal consultation with the Service, and information and recommendations in the 1996 Biological Opinion.

providing the Colorado Ute Tribes with funds to purchase water from existing projects, and/or the acquisition of existing direct flow water rights, as well as the use and/or modification of existing federal facilities.

No consensus was reached on any of the alternatives developed during the Romer-Schoettler process. As a result, on August 11, 1998, the Secretary of Interior presented an Administration Proposal to implement the Settlement Act. The proposal calls for a down-sized dam and reservoir at Ridges Basin to supply municipal and industrial (M&I)<sup>2</sup> water to the Colorado Ute Tribes and other project beneficiaries (e.g., the Navajo Nation, the Animas-La Plata Water Conservancy District (ALPWCD), and the San Juan Water Commission (SJWC)). The proposal also contains a non-structural element as part of the settlement implementation. Further, the ALP Project is sized to match the depletions permitted in the Reasonable and Prudent Alternatives (RPA) contained in the 1996 final Biological Opinion for the ALP Project in compliance with the Endangered Species Act (ESA). This opinion limited the average water depletions to 57,100 acre-feet/year (afy). See Chapter 4, Section 4.2.1.2 for further discussion of the Biological Opinions.

Because these proposals represent a significant modification of the ALP Project evaluated previously, additional environmental analysis is required. On January 4, 1999, Reclamation announced its intent to prepare a DSEIS to the 1996 FSFES (*Federal Register* Volume 64, No. 1). This DSEIS analyzes various ways in which the Colorado Ute Tribal water rights may be settled. Following release of this DSEIS, public hearings will be held and a Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision will be prepared.

## 1.2 PROJECT HISTORY

The ALP Project was authorized by the Colorado River Basin Project Act of 1968 to be located in La Plata County in southwestern Colorado and in San Juan County in northwestern New Mexico. The ALP Project was designed to provide irrigation and M&I water supplies to the Colorado Ute Tribes and other project beneficiaries. A Colorado Ute Indian Water Rights Final Settlement Agreement (Settlement Agreement) (see Attachment A) was signed on December 10, 1986, which quantified the Colorado Ute Tribes' water rights. The water rights allow the Colorado Ute Tribes to obtain water from several rivers and projects, including water supplied from the ALP Project. In 1988, Congress incorporated the ALP Project into the Settlement Act in order to settle Colorado Ute Tribal water rights claims.

As a result of an 1868 treaty entered into between the United States and the Colorado Ute Tribes, the Tribes acquired a large reservation encompassing much of southwestern Colorado. That reservation provides the Colorado Ute Tribes with significant reserved water rights on rivers and streams throughout the region. The Colorado Ute Tribes' water rights are senior to most non-Colorado Ute Indian water rights in the region. In the absence of the Settlement Act, development of senior Colorado Ute Tribal water rights claims could adversely impact non-Colorado Ute Tribal water rights and users, including cities, municipalities, federal land management agencies, and recreation uses throughout southwestern Colorado and northwest New Mexico.

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<sup>2</sup>For purposes of this project, M&I refers to water for industries and cities, as well as for livestock and wildlife uses, recreation, and tourism development.

Insert Map 1-1 General ALP Project Area

[Back page of Map 1-1]

The Settlement Act requires delivery of ALP Project water to the Colorado Ute Tribes by January 1, 2000, to avoid future litigation or renegotiation of Tribal water rights claims. If a project is not approved, or implementation is delayed, the Colorado Ute Tribes have the option of commencing litigation or renegotiating their reserved water rights claims by January 1, 2005.

**Table 1-1** displays the provisions of the Settlement Act in terms of (1) the specific water right the Colorado Ute Tribes received; (2) the source of water to fulfill that right; and (3) the purpose to which the water would be put. The Settlement Act provides that when such water supplies are identified for a particular use, such use could be changed. The table identifies water supplies for the Colorado Ute Tribes from the ALP Project, as well as two other Reclamation storage facilities, namely the Dolores and Florida Projects. The table also identifies water supplies for the Colorado Ute Tribes from the Navajo Wash, McElmo and Stollsteimer Creeks, the Mancos, San Juan, Pine, and Piedra Rivers, and other sources. Development of water in McPhee Reservoir, a feature of the Dolores Project, and the construction of the Towaoc-Highline Canal were addressed in the Final Environmental Statement for the Dolores Project (INT FES 77-12) and the FSFES for the Dolores Project (FSFES 89-10).

The August 11, 1998 Administration Proposal for Final Implementation of the Colorado Ute Water Rights Settlement (Administration Proposal) was developed after a review of the Settlement Act requirements, the limitations imposed on depletion by the Biological Opinions, and a consideration of the alternatives generated during the Romer-Schoettler process. As a result, the Administration Proposal includes both structural and non-structural elements designed to achieve the fundamental purpose of securing the Colorado Ute Tribes an assured water supply in satisfaction of their water rights as determined by the 1986 Settlement Agreement and the 1988 Settlement Act to provide for identified M&I water needs in the ALP Project area. The Administration Proposal also addresses environmental and cost concerns relating to the ALP Project by restricting the project to construction of a defined number of facilities centered on a down-sized storage facility limited primarily to M&I water uses (no irrigation water would be allowed). Other previously contemplated project features (i.e., agriculture-related) would be deauthorized under the Administration Proposal. A substantial portion of the costs of the proposal are anticipated to be non-reimbursable to the United States. Costs of facilities, or portions of facilities, that would be utilized by non-Colorado Ute Tribe project beneficiaries are expected to be fully reimbursed by those parties.

The Administration Proposal for a project with both structural and non-structural components would:

- Provide for the construction of a reduced storage facility at Ridges Basin to supply a portion of the Colorado Ute Tribes water supply described in the Settlement Act, and to provide limited M&I supplies for other ALP Project beneficiaries.
- Provide that water stored at Ridges Basin would be used primarily for M&I purposes with no irrigation uses authorized.
- Establish a water acquisition fund that could be used by the Colorado Ute Tribes for a variety of economic development purposes, including the acquisition of existing water rights. The water supply from the facility at Ridges Basin, coupled with the water acquisition fund and its potential for securing additional water rights for the Colorado Ute Tribes, would satisfy all outstanding Colorado Ute Tribal water rights claims on the Animas and La Plata Rivers.

<b>Table 1-1</b> <b>Provisions of the Colorado Ute Indian Water Rights Settlement Act</b>		
<b>The Ute Mountain Ute Tribe Received</b>	<b>From this Source of Water</b>	<b>For the Following Purpose</b>
Water rights to stored water in McPhee Reservoir of: 1,000 acre-feet (af) 23,300 af 800 af	Dolores Project Dolores Project Dolores Project	M&I use Agricultural irrigation Fish and wildlife development
Water rights of: 6,000 af 26,300 af 900 af	ALP Project ALP Project ALP Project	M&I use Agricultural irrigation Additional agricultural irrigation per 1979 Definite Plan Report
Reserved water right of 21,000 af	Mancos River	Irrigation of 7,200 acres in Mancos River drainage
Reserved water right for direct flow diversions of 4,800 af (15 cubic feet per second (cfs))	Navajo Wash	Irrigation of 1,200 acres in Navajo Wash drainage
Reserved water right for direct flow diversions of 1,600 af (10 cfs)	Mainstem of San Juan River	Irrigation of 640 acres of Tribal lands in San Juan River mainstem drainage
Reserved water rights of: 350 af 1,500 af	McElmo Creek Drainage Remainder of reservation	Beneficial use of tributary groundwater for future individual domestic and livestock wells
<b>The Southern Ute Indian Tribe Received</b>	<b>From this Source of Water</b>	<b>For the Following Purpose</b>
Water rights, delivered to Ridges Basin Reservoir or diversion point on Animas River, pending completion of Southern Ute Reservoir, of: 26,500 af 3,400 af	ALP Project ALP Project	M&I use Agricultural irrigation
Retention of its reserved water right	Pine River	Existing uses
Water from other sources for agricultural irrigation from May 1 to September 30 at specified locations on Tribal lands as follows:		
Reserved water right of 1,090 af	Florida River	Agricultural irrigation
Reserved water rights of: 1,850 af in Lake Capote 2 cfs 3.5 cfs	Stollsteimer Creek Stollsteimer Creek Stollsteimer Creek	Agricultural irrigation

<b>Table 1-1 (continued)</b> <b>Provisions of the Colorado Ute Indian Water Rights Settlement Act</b>		
<b>The Southern Ute Indian Tribe Received</b>	<b>From this Source of Water</b>	<b>For the Following Purpose</b>
Reserved water right for direct flow diversions of 1,595 af	Piedra River	Irrigation of 535 acres
Reserved water rights of: 183 af 1,530 af 975 af 1,372 af	Devil Creek San Juan River Round Meadow Creek Cat Creek	Irrigation of 81 acres Irrigation of 510 acres Irrigation of 325 acres Irrigation of 482 acres
Water right of 2,000 af	In reservation	Beneficial use of tributary groundwater for future individual domestic and livestock wells

- Comply with all applicable laws, including ESA and NEPA, and comply with the Service's determination that depletions from the San Juan River Basin cannot exceed an average 57,100 afy as outlined in the 1996 Biological Opinion for the ALP Project. Depletion limitations also assist in protecting the interests of downstream tribes and others with substantial water rights claims.

**Table 1-2** displays the allocation of water among the Colorado Ute Tribes and other project beneficiaries that would be provided by the structural components of the Administration Proposal. Under the allocations shown below, the Colorado Ute Tribes are still approximately 13,000 afy short of the total quantity of depletion recognized in the Settlement Agreement.<sup>3</sup> The Administration Proposal, therefore, also includes a non-structural element that would establish and utilize a water acquisition fund, which the Colorado Ute Tribes could use over time to acquire water rights on a willing buyer/willing seller basis. The water acquisition fund was developed to acquire 13,000 afy of depletion in addition to the depletions shown in Table 1-2, or for other uses that they may choose.

<b>Table 1-2</b> <b>Administration Proposal Water Allocations for the Structural Components of the ALP Project</b>	
<b>Water Recipient</b>	<b>Depletion from the San Juan Basin (afy)</b>
Southern Ute Indian Tribe	19,980
Ute Mountain Ute Tribe	19,980
Navajo Nation	2,340
Animas-La Plata Conservancy Water District	2,600
San Juan Water Commission	10,400
<b>Subtotal</b>	<b>55,300</b>
Allowance for Reservoir Evaporation	1,800
<b>Total Depletion</b>	<b>57,100</b>

<sup>3</sup>Comments received from the ALP Project scoping process indicate that the Colorado Ute Tribes may be willing to allow an additional 6,010 afy from their allocation to be reallocated for M&I use by the State of Colorado and by non-Ute Indian parties in New Mexico.

Preliminary cost estimates indicate that a fund of approximately \$40 million would be sufficient to purchase a significant amount of additional water rights. To provide flexibility in the use of the water acquisition fund, authorization would allow some or all of the funds to be redirected for on-farm development, water delivery infrastructure, and other water-related economic development.

The public had an opportunity to provide input into the ALP Project proposal following release of the Notice of Intent (NOI) to Prepare a DSEIS, published in the January 4, 1999 *Federal Register*. Public scoping meetings were held on February 2, 3, and 4, 1999 in Durango, Colorado; Farmington, New Mexico; and Denver, Colorado, respectively. (Further discussion of public involvement activities is included in Chapter 6, Consultation and Coordination.) Based on both written and oral input received during the scoping process, Reclamation added two alternatives to the list of alternatives originally envisioned for analysis in the DSEIS, bringing to 10 the number of alternatives considered, including both structural and non-structural components. Subsequently, 2 of the 10 alternatives were further refined. All of the alternatives are discussed in detail in Chapter 2, Development of Alternatives, of this DSEIS.

It should be noted that the non-federal parties of the Settlement Agreement, working with their congressional representatives, have proposed legislation introduced (HR 3112) in response to the Administration Proposal and the ongoing NEPA process.

### **1.3 PURPOSE OF AND NEED FOR THE PROJECT**

The current purpose of and need for the proposed federal action is:

*... to implement the Settlement Act by providing the Ute Tribes an assured long-term water supply and water acquisition fund in order to satisfy the Tribes senior water rights claims as quantified in the Settlement Act, and to provide for identified M&I water needs in the Project area. [Federal Register Notice, January 4, 1999]*

Providing the Colorado Ute Tribes with an assured long-term water supply is necessary to protect existing water users from senior water rights claims. The Colorado Ute Tribes will use this assured water supply to satisfy future M&I water demands on their reservations and to provide water for regional M&I needs. In addition to providing an assured water supply as a settlement of the Colorado Ute Tribes senior water rights, the ALP Project as proposed provides a dependable long-term water supply for neighboring Indian and non-Indian community water needs, including the Navajo Nation at and near Shiprock, New Mexico, the ALPWCD and the SJWC.

### **1.4 OBJECTIVES OF THIS DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

This DSEIS has been prepared to meet the procedural requirements of NEPA, following the regulations established by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations (CFR) Parts 1500 to 1508) (Regulations). Those regulations provide the legal and regulatory guidelines for preparation of environmental impact statements (EIS). This DSEIS incorporates by reference the 1996 FSFES and the 1980 FES to eliminate duplication and repetitive discussions of the same issues, and also incorporates information from the 1996 FSFES and 1980 FES (40 CFR 1508.28 and 1500.4(j)).



The purpose of this DSEIS is to supplement the 1996 FSFES and 1980 FES for the ALP Project. The CEQ Regulations state that federal agencies shall prepare supplements to final EIS documents when:

- Substantial changes have been made in the proposed action that are relevant to environmental concerns (40 CFR 1502.9(c)(1)(I)); and
- Significant new circumstances or information relevant to environmental concerns have a bearing on the proposed action or impacts (40 CFR 1502.9 (c)(1)(ii)).

This DSEIS evaluates 10 separate alternatives, including 9 action alternatives that include several structural and non-structural components, and a no action alternative. **Table 1-3** provides a listing of each action alternative and associated name. The 10 alternatives were evaluated in light of the project purpose and need and their relative environmental impacts. Following the evaluation process, two of the alternatives, Alternatives 4 and 6, were refined and then subjected to a full environmental analysis in this DSEIS. Subsequently, a preferred alternative was identified.

<p style="text-align: center;"><b>Table 1-3</b> <b>List of ALP Project Alternatives</b></p>	
<b>Number</b>	<b>Title</b>
1	Administration Proposal
2	Administration Proposal with Recreation Element Added
3	Administration Proposal with San Juan River Basin Recovery Implementation Program (SJRBRIP) Element Added
4	Administration Proposal with SJRBRIP and Recreation Element Added
5	Animas-La Plata Reconciliation Plan
6	Animas River Citizens Coalition Conceptual Alternative
7	1996 Final Supplement to the Final Environmental Statement Recommended Action
8	Administration Proposal with an Alternative Water Supply for Non-Colorado Ute Indian Entities
9	Citizens Progressive Alliance Alternative

Reclamation reviewed the information and environmental analyses of the project contained in the 1996 FSFES and the 1980 FES. The following changes, circumstances, and information meet CEQ requirements for preparation of a supplement to the 1996 FSFES and 1980 FES:

- The project alternatives include structural and non-structural component, which are different than the structural alternatives proposed in the 1996 FSFES and 1980 FES.

- The project water allocations would be restricted to M&I uses only, removing the irrigation water uses proposed in the 1996 FSFES and 1980 FES.
- A number of design refinements and changes to project features and operation are proposed since the 1996 FSFES and 1980 FES.
- Other new information relevant to environmental concerns has emerged since the 1996 FSFES and the 1980 FES, including completion of a seven-year research program as part of the San Juan River Basin Recovery Implementation Program (SJRBRIP), and other resource studies and evaluations.

A Section 404 (b)(1) evaluation is included as Attachment B to this DSEIS, in compliance with the EPA's Section 404(b)(1) requirements under 40 CFR Part 230. This 404(b)(1) analysis is in support of Reclamation's intention to seek Clean Water Act (CWA) compliance through Section 404(r) provisions which exempt Reclamation from the requirements to obtain a CWA Section 404 Permit for construction activities resulting in a discharge of dredged or fill material into waters of the United States. The Section 404(b)(1) evaluation is to exempt Reclamation from the requirement to obtain a Section 404 Permit from the U.S. Army Corps of Engineers for this project.

This DSEIS also evaluates the potential environmental impacts associated with the construction and operation of the structural and non-structural components of the various project alternatives and the future uses to which ALP Project water may be put. The Administration Proposal does not include any M&I delivery facilities. As a result, the proposal is very specific when it addresses the impacts associated with non-conveyance structural components, and is less specific when it evaluates potential future water uses. These separate components are described in further detail below.

#### **1.4.1 Structural Components**

This DSEIS identifies the storage reservoirs, pumping plant, and conveyance facilities that comprise the ALP Project's structural components relevant for each alternative. These are defined in detail, their environmental settings and potential environmental impacts are evaluated, and mitigation measures are proposed in Chapter 3, Affected Environment and Environmental Consequences, for Refined Alternative 4, Refined Alternative 6, and the No Action Alternative. The construction and operation of a water pipeline to deliver treated water to the Navajo Nation to areas at and near Shiprock (i.e., the Navajo Nation Municipal Pipeline (NNMP)) is also a structural component of both Refined Alternative 4 and Refined Alternative 6.

#### **1.4.2 Non-Structural Components**

This DSEIS considers two scenarios under which a fund would be established for the purchase of water rights and lands within the vicinity of the Southern Ute Indian and Ute Mountain Ute Reservations. One, as part of the Administration Proposal, would create a water acquisition fund, which the Colorado Ute Tribes could use over time to acquire water rights on a willing buyer/willing seller basis. The fund, when coupled with the water made available from the modified ALP Project, would be considered sufficient to allow the Colorado Ute Tribes the quantity of water specified in the Settlement Act.

Second, as part of the non-structural component of Alternative 6, it is envisioned that a fund for land and water acquisition would be established that would supply 53,200 afy to the Colorado Ute Tribes. A dedicated fund would be created from federal and State of Colorado funds, for use at the sole discretion of the Colorado Ute Tribes to purchase water rights and land from willing sellers over a period of up to 30 years.

This DSEIS inventories the available land and associated water rights in the McElmo Creek and Mancos, La Plata, Animas, Florida, and Pine River drainages in the vicinity of the two reservations. Land values, seniority of water rights, parcel sizes, and other factors were evaluated to develop a realistic picture of the potential acquisition of land and direct flow water rights. Representative areas were identified in order to develop an analysis of the range of likely non-structural component options that might be made by one or more of the water users in the future. Finally, as part of the non-structural analysis, the potential for securing water supplies from existing Reclamation storage facilities in the region was evaluated, through reoperation and/or modification.

### **1.4.3 Future Water Uses**

The proposed allocation of ALP Project water that the entities would obtain from the structural portion of the project would be restricted to M&I applications. However, not all such uses are currently known. This DSEIS does identify non-binding uses to which project water may be put. Projections were made of a range of potential future M&I uses for the Colorado Ute Tribal portion of project water, as a basis for developing alternatives which would effectively provide water to meet these allocations. The scenarios for future water use are based on reasonable estimates of regional growth and projected needs by the Colorado Ute Tribes, within the 57,100 afy depletion limit. Chapter 2 discusses these future water use scenarios, identifies likely sources of water to serve these future water uses, and presents likely conveyance options. Chapter 3 discusses the typical impacts that would occur from the construction and operation of these water uses and conveyance structures. The balance of the 57,100 afy depletion would be allocated for future M&I use by the Navajo Nation, the ALPWCD, and the SJWC.

The Tribal Water Use Study (Dornbush 1999) (see Technical Appendix 1<sup>4</sup>) identified several non-binding uses that could be employed by the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe. Further studies (Riley 1999a; Bliesner 1999a) refined regional M&I water uses in the San Juan River Basin in the event that the Colorado Ute Tribes elect to lease or sell a portion of their project water to other users, including users in New Mexico. ALP Project water allocated to the ALPWCD and SJWC would be used for near-term, planned M&I growth. ALP Project water allocated to the Navajo Nation would be conveyed via replacing the existing pipeline between Farmington and Shiprock.

## **1.5 RELATIONSHIP OF PROJECT TO OTHER ACTIVITIES OR CONNECTED ACTIONS**

CEQ Regulations for implementing NEPA require the consideration of the relationship of the project to other projects and activities in the area. That relationship has helped determine the appropriate scope of this DSEIS. The relationship can be direct, indirect, or cumulative in nature. It extends to activities or projects that can be considered connected, cumulative, or related to the proposed ALP Project.

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<sup>4</sup>Technical Appendices are bound separately from this DSEIS. See Section 1.7 for further information regarding the Technical Appendices.

**Connected actions**, as defined in 40 CFR 1508.25(a)(1), are those actions which are interrelated with the proposed federal action and should be discussed in the same EIS. **Cumulative actions**, as defined in 40 CFR 1508.25(a)(2), are those actions, when viewed with other proposed actions, have cumulatively significant impacts. Finally, **related actions**, as defined in 40 CFR 1508.25(a)(3), are those actions which, when viewed with other proposed actions, have similarities to the proposed action that provide a basis for evaluation together, such as common timing or geography.

Numerous projects were identified in the 1996 FSFES that could be connected, cumulative, and/or related to the proposed ALP Project (see pages I-11 through I-15 of the 1996 FSFES) and have been incorporated by reference into this DSEIS. One of these, the revised operation of Navajo Reservoir to comply with the 1996 Biological Opinion, is a connected action. Additional analysis on the operation of Navajo Reservoir has taken place since the 1996 FSFES, and an updated discussion is included in Chapter 4, Other Impact Considerations, (also see Attachment C, Navajo Reservoir Operation). Several additional cumulative actions, including the Jicarilla Apache Tribe Water Rights Settlement, the proposed Navajo-Gallup Water Supply Project, completion of the Navajo Indian Irrigation Project, and the construction of several Colorado/New Mexico transportation projects, are discussed in Chapter 4.

## 1.6 ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS

Because the United States owns and operates the Navajo Reservoir and also has pervasive ESA and Tribal responsibilities in the San Juan River Basin, the DSEIS is designed to accommodate as much as possible these overlapping concerns. The actions listed below summarize these responsibilities and how they are affected by the ALP Project.

- Fish and Wildlife Coordination Act
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Reclamation policy regarding analysis and discussion of effects on Indian Trust Assets
- Executive Order 12898 on Environmental Justice in Minority Populations and Low Income Populations
- Executive Orders 11988 and 11990 on Floodplain Management and Protection of Wetlands
- Wild and Scenic Rivers Act

- Native American Graves Protection and Repatriation Act
- Other environmental review laws and executive orders, including that for metric application

Development and operation of the ALP Project would require various contracts and agreements which would be negotiated with the Colorado Ute Tribes, Colorado Water Conservancy Board, ALPWCD, SJWC, and federal, state, and local agencies. Various permits and licenses would also need to be obtained from local, state, and federal regulatory agencies.

The permits for the approval, construction, and operation of the proposed ALP Project cover a wide spectrum of compliance activities. This DSEIS and associated planning has supported the basis for meeting the necessary permit conditions. The permits and licenses needed for construction and operation of the ALP Project, and the agencies or departments that administer them, are listed in Chapter 7, Permits, Approvals, and Regulatory Requirements.

## 1.7 ORGANIZATION OF DOCUMENT

This DSEIS has been organized as follows:

- *Chapter 1, Introduction, Purpose of and Need for the Project* introduces the ALP Project, as modified, which is being proposed to implement the provisions of the Settlement Act. The chapter also discusses the purpose of and need for the project, and discusses the objectives of this DSEIS.
- *Chapter 2, Development of Alternatives*, provides information related to the development and analysis of the project alternatives, including the nine action alternatives and the No Action Alternative. It also presents information on the non-binding future water uses mentioned in Section 1.4.3. A description of the technical and environmental evaluation processes used to compare all the alternatives is also included in Chapter 2, as are the results. Those components of the alternatives considered but eliminated from further consideration in this DSEIS are also identified. Chapter 2 concludes with a description of the two refined alternatives (Refined Alternatives 4 and 6) that were selected for full environmental evaluation in Chapter 3.
- *Chapter 3, Affected Environment and Environmental Consequences*, identifies the impacts that could occur to a wide array of resource areas as a result of development and operation of the proposed ALP Project. Each resource topic identifies the affected environment, potential environmental consequences (impacts), and proposed mitigation measures for Refined Alternative 4, Refined Alternative 6, and the No Action Alternative.
- *Chapter 4, Other Impact Considerations*, describes other impacts that could occur as a result of implementation of the ALP Project. Growth-inducing impacts are evaluated, as are impacts associated with the connected, cumulative, and related actions. Chapter 4 also addresses the relationship between short-term uses versus long-term productivity as well as irreversible and irretrievable commitments of resources. Finally, Chapter 4 provides an analysis of Indian Trust

Assets and Environmental Justice as they relate to the Colorado Ute Tribes, the Jicarilla Apache Tribe, the Navajo Nation, and other Native American groups.

- *Chapter 5, Purpose and Need, Recommendations and Commitments*, explains the rationale for selecting the Preferred Alternative and provides a list of the environmental commitments Reclamation will undertake to avoid, reduce, or eliminate adverse environmental impacts associated with development and operation of the ALP Project.
- *Chapter 6, Consultation and Coordination*, presents a list of the agencies, tribes, and other interested or affected individuals and groups that were contacted, as well as a summary of the public involvement process for completing this DSEIS.
- *Chapter 7, Permits, Approvals, and Regulatory Requirements*, provides a list of the various permits and approvals that would be required to construct and operate the ALP Project.
- *Chapter 8, List of Preparers*, includes a list of those persons within Reclamation, the Service, and other agencies, as well as consultant support, who prepared this DSEIS.
- *Chapter 9, References*, contains a list of references and other supporting materials.

It should be noted that throughout the DSEIS, reference is made to several attachments to this document. These attachments are listed with an alphabetical designation (e.g., Attachment A ), and are included in the bound document(s) that represent this DSEIS. In addition, reference is also made to technical appendices that are listed with a numerical designation (e.g., Technical Appendix 1). These technical appendices are available upon request from Reclamation's office in Durango, Colorado.

Finally, during preparation of this DSEIS, the 1996 FSFES has served as a critical source of information and in many instances, specific information from that document has been brought forward and incorporated by reference. Additionally, information developed during the Romer-Schoettler process has been incorporated. In those instances where text from the 1996 FSFES has been included in this DSEIS, the information has been set in italicized type to help the reader differentiate the information from new analysis that has been conducted. The 1996 FSFES is available for review at Reclamation's offices in Durango, Colorado, Salt Lake City Utah, and Grand Junction, Colorado. An Executive Summary of the 1996 FSFES can be provided upon request.